IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
Writ Petition No. 303 of 2005 (S/B)

Bhagwat Sharan,
S/o M. Lal,
Presently posted as Project Director,
District Rural Development Agency,
Chamoli at Gopeshwar (Headquarter),
District Chamoli. ..... Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Rural Development,
Govt. of Uttaranchal, Secretariat,
Dehradun, Uttaranchal.
2. Forest and Rural Development Commissioner /
Principal Secretary,
Govt. of Uttaranchal, Secretariat,
Dehradun, Uttaranchal. ..... Respondents

Mr. N.S. Pundir, Advocate for the petitioner.

JUDGMENT

Coram: Hon, Cyriac Joseph, C.J.
Hon. P.C. Pant, J.

CYRIAC JOSEPH, C.J. (Oral)

1. The petitioner who is a Project Director, District Rural Development Agency, Chamoli prays for a direction to the respondents to grant him selection grade as well as revised pay scale as in the case of other similarly situated persons with retrospective effect. He has also prayed for a direction to grant him time scale from 29.08.1999 and to treat him as regularised in service from 28.09.1991, the date from which his junior was regularised in service. The petitioner had submitted Annexure 3 representation dated 15.12.2001 to the second respondent praying for the above-mentioned reliefs. According to the petitioner, no reply was received by him from the second respondent in the matter. It is stated that even though the petitioner sent Annexure 4 reminder dated 16.03.2005, the second respondent has not taken any action in the matter.

2. In the above circumstances, we are of the view that the second respondent should be given an opportunity to consider the claim of the petitioner and take a decision is accordance with law at the earliest. Only if the request of the petitioner is denied by the second respondent, the petitioner can have a cause of action to request this Court to adjudicate the claim.

3. Hence, the writ petition is disposed of with a direction to the second respondent to consider Annexure 3 representation stated to have been submitted by the petitioner and to pass appropriate orders in accordance with law as expeditiously as possible and at any rate, within a period of three months from the date of receipt of a copy of this judgment.

The petitioner may produce a copy of this judgment before the second respondent for information and compliance.

(P.C. Pant, J.)
29.11.2005

(Cyriac Joseph, C.J)
29.11.2005

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